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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BRADEN, SHAWN M

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

05/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,969	Applicant(s) HUGGETT, ANTHONY COURT	
	Examiner SHAWN M. BRADEN	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-47 is/are pending in the application.
- 4a) Of the above claim(s) 27, 28 and 41-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-26 and 29-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/28/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Applicant's election without traverse of Group 1 figs. 1-8, claims 20-28 and new claims 29-47 in the reply filed on 02/05/2010 is acknowledged.
2. Claims 27-28 and 41-47 are withdrawn by examiner since they are drawn to non-elected group 2 shown in fig. 9. These claims are clearly describing the support structure for stacking or storing panels staging them for assembly or other usages.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. The term "substantially but not precisely axially aligned" in claim 23 is a relative term which renders the claim indefinite. The term "substantially but not precisely axially aligned" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The examiner will interpret as a good fit between the mortis and tenon.
- 5.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 20-35,38,39 are rejected under 35 U.S.C. 102(b) as being anticipated by Eby (USPN 3,405,835).

8. With respect to claim 20, Eby shows a plurality of panels (10,12) each panel having a body and an elongate tubular member (28,36,38) along an edge of the body; the tubular member having at least one cut-away (between elements 40 or 42) section to form an interlocking formation (see figs. 1 and 2).

9. With respect to claim 21, Eby shows wherein the interlocking formations on each panel are alternating tenon and mortise formations (fig. 2 shows the interlocking formation).

10. With respect to claim 22, Eby shows wherein the tenons and mortises of adjacent panels are staggered so as to enable a tenon of a first panel to engage a mortise provided in an adjacent panel (fig. 1).

11. With respect to claim 23, Eby shows wherein the mortises are shaped so that a tenon is received therein in an arrangement wherein the received tenon is substantially but not precisely axially aligned with an adjacent tenon (fig. 1).

12. With respect to claim 24, Eby shows wherein an engagement member (130,138) is receivable through a passage formed by adjacent tenons when panels are engaged.

13. With respect to claim 25, Eby shows wherein the engagement member is in the form of a solid rod (138 is a solid torsion rod and 130 is a solid bolt).

14. With respect to claim 26, Eby shows wherein the engagement member is in the form of a hollow tubular cylinder (138 can be hollow col 5 line 45).

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15. With respect to claim 29, Eby shows wherein the interlocking formations of adjacent panels are arranged to be releasably interlockable (fig. 1).

16. With respect to claim 30, Eby shows wherein the cut-away section (between 40 or between 42) in the tubular member (36,38) of a panel is a section where a segment of the tubular member has been removed.

17. With respect to claim 31, Eby shows wherein the cut-away section (between 40 or between 42) of a panel defines a mortise adjacent a tenon formed by the tubular member where it is not cut-away (fig. 1).

18. With respect to claim 32, Eby shows wherein each panel includes a securing cover (40) for securing the tubular member (28) to the body of the panel, the securing cover comprising a sheet of pliable material that is wrapped around the tubular member (28), with opposite ends of the sheet being secured to opposite sides of the body of the panel.

19. With respect to claim 33, Eby shows wherein the body of a panel is made from reinforced material that comprises two outer laminations (32,34) and an inner reinforcing structure (25).

20. With respect to claim 34, Eby shows wherein the outer laminations (32,34) at least partially overlies the tubular section when secured to the edge of the panel (fig. 4).

21. With respect to claim 35, Eby shows wherein the inner reinforcing structure comprises a honeycomb structure (25 is honeycomb).

22. With respect to claim 38, Eby shows wherein the tubular members are provided on sides of the edges of a panel (fig. 2).

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23. With respect to claim 39, Eby shows wherein the body of a panel is substantially rectangular (fig. 2).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby in view of Palley (USPN 7185778).

Eby discloses the invention substantially as claimed. However Eby does not disclose wherein the tubular members are provided on all edges or all ends of the edges of a panel.

Palley teaches wherein the tubular members are provided on ends of the edges of a panel (Fig. 12) in the same field of endeavor for the purpose of having a panel that is symmetrical to take the possible of a rotation error out of the assembly process.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the same inter locking method on all edges of the panel of Eby as taught by Palley in order to an a container that is easier to assemble.

26. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eby.

Eby discloses the invention substantially as claimed. However Eby does not disclose wherein the body and tubular members of a panel are made from cardboard.

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It is well known in the prior art to use cardboard to make container in the same field of endeavor for the purpose of preserving quality, cost reduction, lighter in weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use cardboard to make the container in order to save money.

It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mickey Yu/
Supervisory Patent Examiner, Art
Unit 3728

/S. M. B./
Examiner, Art Unit 3781